

Next Meeting: January 5, 2005
10:00 a.m. – Thorburn Center – Ingham ISD (Rooms B and C)

SPECIAL EDUCATION ADVISORY COMMITTEE

Minutes of December 1, 2004 Meeting
10:00 a.m.

Present: Cindy Anderson, Gloria Anderson, Patt Clement, Cheryl Ervin, Janice Fialka, Glenda Hammond (for Elaine High), Darlene Heard-Thomas, Ric Hogerheide, Jill Jacobs, Dara Knill, Patricia Keller, Jim Kubaiko, Paul Kubicek, Pat MacQuarrie (for Randall VanGasse), Jerry Oermann, Anne Richardson, Debs Roush, Chuck Saur, Steve Schwartz, Jeff Siegel, Deb Todd, Julie Winkelstern
Ex-Officio Members: Mark Larson, Doug Nurenberg (for Sheri Falvay), Rosanne Renauer, Michele Robinson, Jacquelyn Thompson

Absent: Kathleen Clegg, Pansy Coleman, Lee Martin, Dodie Raycraft, Julie Shore, Larry Simpson, Colette Ward, Ann Yurcek

OSE/EIS Staff: David Brock, Fran Loose, Patti Oates-Ulrich Ann Omens

Guests: Beverly Baroni-Yeglic, Lynn Boza, Karen Feliz, Maggie Kolk, Sandi Laham

The meeting was called to order by Chairperson Patt Clement.

Roll Call

Roll call was taken and a quorum was present.

Introduction of Guests

Guests attending the meeting were introduced.

Amend/Approve Proposed Agenda

The agenda of the December 1, 2004 meeting was considered. Patt Clement mentioned that Cheryl Ervin's presentation would be moved to before David Brock's presentation under State Reports. Ric Hogerheide moved, seconded by Gloria Anderson, to approve the agenda as amended. The motion carried.

Amend/Approve Minutes

The minutes of the November 3, 2004 meeting were considered. Cindy Anderson moved, seconded by Ric Hogerheide, to approve the minutes as written. The motion carried.

Public Comment

None

Member Issues

Deb Todd announced that her son, who is identified as SXI and has other disabilities, moved into a duplex, with a staff person to assist him, despite what various professionals predicted for him early in life. Deb also announced that the Parent Advisory Committee (PAC) hearing against the Mecosta-Osceola ISD plan took place on November 14 and reconvened on November 15 for mediation. A settlement agreement was reached at the end of the day on the 15th. The entire agreement is available from the ISD, but Deb read a portion of the agreement aloud. Gloria Anderson expressed appreciation on behalf of Michigan Speech and Hearing Association for Deb's championing of this cause.

Chairperson's Report – Patt Clement

A. Meeting Cancellations

A system for notifying SEAC members of a meeting cancellation will be discussed at the Department of Education and shared soon with the committee.

B. November State Board of Education presentation

Patt, Larry Simpson, and Jacquelyn Thompson's presentation at the November State Board of Education regarding the SEAC's work was well received. The President of the Board of Education, Kathleen Straus, stated that she enjoyed the SEAC Quick Notes.

State Reports – Jacquelyn Thompson

A. State Board of Education

The Dickinson-Iron ISD Plan and the Branch ISD Plan will be submitted at the December 14 meeting as will the draft document developed by the Seclusion and Restraint Referent Group, referenced elsewhere in these minutes.

B. Department of Education

Cheryl Ervin gave an update on the IDEA Partnership. She first outlined the history and evolution of the IDEA Partnership. The new Partnership, including service providers, policy makers, family advocates, and administrators, is focused on bringing their

expertise together to help state groups and agencies meet the needs of capacity building, personnel development, and family education in order to implement IDEA. Eleven states received \$10,000 grants under the new Partnership and Michigan was one recipient. The goal of the Michigan IDEA Partnership is to unify the state system of capacity building personnel development. The core planning for the Partnership was done by a subcommittee of the Michigan Department of Education Comprehensive System of Personnel Development (CSPD) Team. The first meeting of the entire Partnership took place on October 29 and began building a learning community within the group that can serve as a model for the statewide learning community with the end result of improvement of student learning.

David Brock opened the presentation on dispute resolution. He referenced materials provided in a small packet to the committee. David explained that dispute resolution can be viewed as a sectioned triangle with informal dispute resolution on the bottom of the triangle and formal federal court at the top. There are many more disputes settled at the lower levels before reaching the upper levels. Since the year 2000 when a suggestion came out of the Federal Self-Assessment, the Department of Education has pursued the development of a single-tier magistrate system for dispute resolution for due process hearings.

Ann Omens expressed her pleasure at presenting in today's meeting because of her strong belief in dispute resolution and because the SEAC members have the ability to affect change through their connections with the organizations they represent. She explained that most disputes can be resolved either between the two parties or by involving a third party to mediate. A pamphlet was provided in the packet on mediation, which is a method of dispute resolution that the Department would like to see used more often. Steve Schwartz asked if both parties have to be willing to go through mediation; Ann confirmed that was correct and stated that either party can initiate mediation and federal funds are used to pay for it, so there is no cost to the parties who use the state mediation project. Mediation is the last level where the power to make the decision lies with the disputing parties. Any level higher, the final decision is made by an outside party.

A special education complaint is defined in the Administrative Rules at R340.1701a(c), and often includes an allegation that a district failed to implement an IEP for a student with a disability or has not followed the state and federal regulations relating to special education. A complaint begins when someone submits to the district, the ISD, or the Department of Education a written, signed document including the facts on which the allegation is based. The Department has 60 days from that date to resolve the complaint. Usually, the Department directs the ISD to investigate the complaint first. If the ISD finds the complaint invalid, the other party has ten days to appeal to the Department of Education. If the district is found to be at fault, they must follow the corrective action prescribed by the Department. Ann continued to outline the appeal process all the way to federal court.

David then addressed Deb Todd's original questions posed earlier this year that prompted this presentation. The first question dealt with the fairness of the ISD investigating itself.

David explained that the Department supports ISDs with funds for a position within the ISD whose responsibility is to assist the Department with compliance and monitoring and complaint investigation. The person in this position is therefore an agent of the state. Without this person, the state would have to travel to every local school district to directly investigate each complaint submitted. There is a prohibition in the complaint process preventing the complaint investigator assigned by the ISD from having direct administrative responsibility for the program being investigated. The investigator cannot be an ISD director. David reminded the group that any decision made by the ISD investigator can be appealed to the state, at which level the decision may be reversed. Discussion followed.

Deb's second question related to the denial of services. David referenced another handout in the packet. He explained that each case, each student, needs to be examined on an individual basis. Denial of a service occurs when a service listed in the IEP was not provided and does not necessarily result in a loss of education for the student. The parent and the school discuss the result of the denial of the service and if an educational loss is determined, a remedy is decided upon by the parties involved. The Department of Education must make a subjective judgment when the decision cannot be made at the local level as is preferred. Deb Todd stated that the process outlined by David has not occurred in past situations in her ISD. She thanked him for the clarification and stated she would better know what to do the next time a related situation occurs. Gloria Anderson requested that the handout be shared at MAASE so the directors have it when parents come to them with such issues. David stated that members may share it with anyone they like but the document is not enforceable.

Beth Steenwyk gave an update on transition activities, stating that transition needs to move into the limelight so parents, teachers, and other staff understand why transition is important. A system needs to be in place where every teacher understands what transition is about and knows how to deploy the services to students and families. The systemic monitoring issue around transition shows that people who are doing the IEPs still don't understand what the law requires. For this reason, the Department of Education undertook the statewide initiative of transition with a plan to move it down into the local system using a two-prong approach of creating a data set to help people understand what was happening locally and making sure that people were well trained and able to train others. The Michigan Transition Outcomes Project (TOPs) is based on the nationally recognized work of Dr. Ed O'Leary. Beth stated that a five step process for transition is preferred and begins with the student's vision.

A review of the current literature indicates that there are a number of conditions that result in students being at a higher risk of dropping out of high school. For instance, if the student fails to learn to read, if they are failing one or more classes, if they do not have successful transition from middle to high school, they are more likely to drop out. These are things that the district can work on. The goal of the TOPs is to fully integrate the work that has been done by the transition coordinators into the larger system of personnel development so that systems change on a broader scale can take place and ultimately affect the lives of students. Discussion followed.

Jacquelyn Thompson reported that IDEA has been reauthorized and that the Michigan Department of Education will develop an implementation plan. The Department is doing an analysis of the changes and their implications. This analysis is being done within the Department and in partnership with other states and the US Department of Education. The SEAC will be updated monthly. David Brock clarified that the analysis and plan development will be done in a deliberate manner similar to the strategies used with IDEA 97. If a complaint is filed regarding noncompliance with IDEA 2004, it will be evaluated under the new law; otherwise there will be a gradual phase-in. There are reports anticipating 40% funding by 2014. Appropriations are separate from the IDEA legislation itself. The current TOPs work is consistent with the new IDEA language.

The draft document from the Seclusion and Restraint Referent Group will go to the State Board of Education on December 14 and then be available for a 60-day public comment period. The report is consistent with a positive behavior support approach and will update a ten year old document. There are four areas on which the group has not reached consensus and those will be visible during the public comment period. After the public comment period, a final document will be prepared. The SEAC will receive notice about how to access the document electronically following the Board meeting.

Another referent group addresses educational interpreters for the deaf. There is a limited supply of interpreters currently. There will be strategic directives resulting from this work.

Pat MacQuarrie reported that her ISD began CIMS training recently. It was well received and the focus on educational benefit was appreciated. Jacquelyn reported that in one pilot site the general education staff was particularly appreciative of their enhanced understanding of the IEP.

Information Items

A. Summary of public comment on changes to school social work approval and the IEP addendum and manual

David Brock distributed sample IEP addendum material (the form and the manual insert) and outlined the following changes:

- There is an additional line for clarifying which team member can explain the instructional implications and evaluation results.
- There is a location on page two for indicating changes to earlier assessment information.
- There are separate opportunities for signatures regarding understanding of the addendum and agreement/disagreement with its content.
- There is clarification about the required communication with families prior to the meeting.
- There is clarification on page three about parent signature requirements; parents must have an opportunity to respond in the negative.

- Page four is the actual form with boxes showing participants the instructional implication and evaluation results and an addition of time for accommodations / services.
- Under Requirements it is explained that parents must receive the previous IEP along with the Addendum attached.

Ric Hogerheide, seconded by Steve Schwartz moved that this be sent to the General Supervision subcommittee. The motion carried.

In response to a question asked by Chuck Saur, David stated that the US Department of Education has supported the use of the addendum in IDEA 97. Pat MacQuarrie asked whether this has been shared with ISD monitors. David explained that state contract monitors were involved in the development and it was also out for public comment. Gloria Anderson asked if it will be clearly explained that the intent is not to replace the annual review. David responded that the purposes for the addendum are outlined within the document – it stands as an addition to the IEP manual and could be added to procedural safeguards.

The social work proposal will move forward as originally drafted.

Action Items

None

Ex-Officio Reports

Institutions of Higher Education – Mark Larson – The special education faculty in teacher preparation programs are developing a framework for periodic reviews; a continuous improvement model with focus on outcomes. This is new – it used to be documentation of standards being addressed in curriculum – and will capture the uniqueness of IHE programs.

Michigan Department of Community Health – Doug Nurenberg – None

Michigan Department of Labor and Economic Growth/Rehabilitation Services – Rosanne Renauer and Lynn Boza – Brochures with last year's statistics were distributed.

Family Independence Agency – Lee Martin – None

Committee Reports

A. General Supervision – Ric Hogerheide

The subcommittee discussed how various PACs interact with their ISDs. They developed informational items and plan to develop questions to pass on to the soon-to-be formed parent referent group.

B. School Age – Steve Schwartz

The subcommittee continues to work on Quick Notes. A survey regarding the Quick Notes will be developed. The group is also developing an affiliation grid, identifying agencies and associations they're involved with to determine how far reaching the SEAC is in connecting statewide.

C. Secondary Transition – Cindy Anderson

The subcommittee is putting together a framework document for the Transition Network Team regarding barriers and how to get at the standards of practice.

D. Ad-Hoc Committee on SEAC Bylaws

SEAC members received a copy of the proposed changes to the bylaws. Members are asked to forward questions or comments to Patt so that a final document can be ready for action in January.

Member Announcements

Debs Roush noted that PBS news aired a segment on drop out rates on November 30. An association between GEDs and college success was made. She found it interesting and taped the interview in case anyone would like to see it.

Steve Schwartz commented about support staff being transferred from local school districts to intermediate school districts. He had been told that it was a seamless change, yet he's hearing now that members are losing salary and benefits. He requested clarification from Jacquelyn. Jacquelyn indicated that ISD and LEA employment agreements are the decisions of the organizations and reflect locally negotiated agreements. The Michigan Department of Education does not have authority in that area. Financially this model allows some districts to capture more state aid. Jeff Siegel commented that based on Proposal A, ISDs are looking at the fiscal benefits associated with different employment configurations, including dual employment. Discussion followed.

Future Agenda Consideration

Karen Rockhold will attend the January SEAC meeting to present on the Annual Performance Report.

The new mediation grantee will present to the SEAC in February.

Ric Hogerheide moved, seconded by Gloria Anderson, to adjourn. The motion carried. The meeting was adjourned to subcommittee meetings.

Amanda Whitehead
Recording Secretary

SPECIAL EDUCATION ADVISORY COMMITTEE

Executive Committee
Minutes of December 1, 2004 Meeting
8:45 a.m.

Present: David Brock, Patt Clement, Karen Feliz, Ric Hogerheide, Sandi Laham, Fran Loose, Debs Roush, Steve Schwartz, Jacquelyn Thompson

Absent: Elaine High, Patti Oates-Ulrich, Larry Simpson, Collette Ward

Review of Today's Agenda

Beth Steenwyk will arrive at 10:00 am to give an update on transition activities during the State Department Report. Ann Omens will present with David Brock on dispute resolution as a response to questions raised by Deb Todd.

David is ready to present the Department's response to the public comment on changes to the school social work approval and the IEP addendum and manual today as an information item. The materials were distributed at last month's meeting. A recommendation will be requested from the SEAC in January.

State Department Report

Jacquelyn Thompson stated that IDEA was reauthorized in November. She will give an overview of the reauthorization and then David will discuss the Department of Education's plan for systematic implementation in Michigan.

Jacquelyn will provide an update on a couple of referent groups. The referent group on seclusion and restraint completed a draft document to be forwarded to the State Board of Education on December 14 that will be out for public comment for 60 days in January and February. Jacquelyn explained that there were four areas where the group did not reach consensus. Options are provided in the document for each of those areas. The public comment will be taken into consideration by the Board when making the final choice between those options. Jacquelyn also stated that the work of the educational interpreters for the deaf referent group is very timely given the new requirements of the reauthorization of IDEA.

Subcommittee Reports

Ric Hogerheide reported that the General Supervision subcommittee is identifying specific items to be shared with the soon to be formed parent information and support referent group with regard to PAC/ISD relationships for possible reporting back to the SEAC.

Steve Schwartz stated that the School Age subcommittee developed the Quick Notes system that was implemented in the November meeting and well-received by the Board of Education. They are also developing an affiliation grid reflecting the connections that the subcommittee members have with other organizations. The grid will be expanded to include all SEAC members and an activity to engage the committee of the whole is planned for January. Finally, the group discussed the possibility of involving Linda Lynch and the Center for Educational Networking (CEN) to facilitate access to SEAC documents so that members could find information on the web instead of having to contact the Department of Education for it.

In Elaine High's stead, Jacquelyn reported that the Secondary Transition subcommittee will work with Beth Steenwyk today to ensure that their work is linked with the work of the Department of Education.

Patt Clement reported that the ad hoc bylaws subcommittee completed a draft revision of the bylaws that will be distributed to the committee of the whole today for review. Patt will collect and implement input and a final copy will be presented as an action item in January.

Future Agenda Development

Karen Rockhold will attend the January meeting to present on the Annual Performance Report. Fran Loose mentioned that the new mediation grantee requested time to address the SEAC. It was decided to extend an invitation for the February meeting.

Other Issues

A system for notifying committee members if a meeting is cancelled will be discussed at the Department level and shared with the SEAC soon.

The Calendar of Events will be updated to reflect the need for the attendance report to be provided in November instead of December in order to monitor the attendance policy as outlined in the bylaws.

The Office of Special Education Programs (OSEP) Leadership Conference is scheduled to take place in March. Patt will attend with Jacquelyn.

Steve Schwartz is co-chairing a committee in his district on least restrictive environment. He shared the Least Restrictive Environment document developed by the SEAC and one member took exception to the document being called a position statement versus a procedural document. Steve wondered if there really is a difference. David Brock stated that it doesn't really matter what the document is called. Sandi Laham suggested asking the member what the terms mean to him or her so it can be determined why what the document is called is so important to her. Discussion followed.